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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF WASHINGTON

8 WALTER R. KERR,

9 Plaintiff,

10 vs.

11 SHERIFF STEVE KEANE,
12 CAPTAIN AL THOMPSON, and
13 CAPTAIN KATHY DANIEL,

Defendants.

NO. CV-11-5039-CI

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DISMISSING COMPLAINT WITHOUT
PREJUDICE

14 Magistrate Judge Imbrogno filed a Report and Recommendation on May 25, 2011,
15 recommending Mr. Kerr's complaint be dismissed without prejudice pursuant to his
16 Motion to voluntarily dismiss. A copy sent to Mr. Kerr at the Benton County Jail was
17 returned with the notation "NIC." The court has attempted but has been unable to locate
18 a present address for Mr. Kerr. He has filed nothing further in this action.

19 There being no objections, the court **ADOPTS** the Report and Recommendation
20 (ECF No. 12). Accordingly, **IT IS ORDERED** Plaintiff's Motion (ECF No. 11) is
21 **GRANTED** and the Complaint is **DISMISSED WITHOUT PREJUDICE**. Although
22 granted the opportunity to do so, Plaintiff did not file a separate Motion and Affidavit to
23 waive the remaining balance of the filing fee as directed. Therefore, Plaintiff still is
24 obliged to pay the full filing fee for this action pursuant to 28 U.S.C. § 1915(b).

25 **IT IS SO ORDERED.** The District Court Executive is directed to enter this

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27 ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING
28 COMPLAINT WITHOUT PREJUDICE-- 1

1 Order, enter judgment of dismissal without prejudice, forward a copy to Plaintiff, and
2 close the file.

3 **DATED** this 22nd day of June 2011.

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5 *s/ Rosanna Malouf Peterson*

6 ROSANNA MALOUF PETERSON
7 CHIEF UNITED STATES DISTRICT JUDGE

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28 ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING
COMPLAINT WITHOUT PREJUDICE-- 2